

REMARKS

Claims 1-24 are pending in the above-identified application. Claims 1-24 were rejected. With this Response, no claims are amended, added or canceled. Accordingly, claims 1-24 are at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

In the Office Action dated July 21, 2004, the Examiner stated that claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunnell (U.S. Patent No. 6,119,122), and further in view of Morgenstern (U.S. Patent No. 5,970,490). Applicants respectfully traverse this rejection.

Applicants respectfully traverse the rejection of claim 1, for example, at least because the Examiner has not shown a *prima facie* case of obviousness. According to the Examiner in rejecting claim 1, for example, “managing said nodes using said state attributes, wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute” is not disclosed by Bunnell, but Morgenstern allegedly discloses the use of XML at col. 45, lines 28-37 and at col. 46, lines 1-5. According to the Examiner, “It would have been obvious to the ordinary skilled artisan at the time of the invention to use the XML of Morgenstren [sic] in Bunnell by using XML. The ordinary skilled artisan would have been motivated to make such modification in order to extend and eventually supersede HTML . . .”

The Examiner has proposed or explained no relation between HTML as disclosed in Bunnell and the “state attributes,” recited by claim 1. As such, extending and eventually superseding HTML as disclosed by Bunnell does not relate to the “state attributes” of claim 1,

and the Examiner provides no explanation of how extending and eventually superseding HTML relates to the “state attributes.”

The HTML as disclosed in Bunnell relates to display, not state attributes. The only mention of HTML by Bunnell refers to a user interface 70 presented as an applet within an HTML document and displayed with an HTML browser, at col. 10, lines 46-55. The HTML document and HTML browser are used for display (See Fig. 5; col. 10, lines 48-49). Nowhere in Bunnell does it state that the “attributes” as cited by the Examiner in rejecting the claims are HTML attributes. As such, the Examiner’s stated motivation to “extend and eventually supersede HTML” combined with Bunnell would not teach or suggest “state attributes compris[ing] an eXtensible Markup Language (XML) format attribute.” Further, Applicants respectfully submit that there is no mention or suggestion of modifying state attributes associated with nodes in a layered hierarchically organized database in Bunnell.

Applicants also respectfully traverse the Examiner’s assertion of “well known” aspects regarding XML (Office Action dated July 21, 2004, p. 3). The stated language in the Office Action dated July 21, 2004 is the same language that was cited previously (Office Action dated January 15, 2004, p.3) and recited in a publication that was previously determined to be an improperly cited publication by both Applicants and the Examiner for being published after the filing date of the patent application (see Amendment After Final dated March 30, 2004 and Office Action dated April 13, 2004). Applicants respectfully request that the Examiner cite references pursuant to 37 C.F.R. § 1.104(c)(2) and M.P.E.P. 2144.03 if the rejections to the claims are to be maintained in combination with these aspects.

Thus, Applicants respectfully submit that the features recited by claim 1 are neither suggested nor disclosed by either Bunnell or Morgenstern individually, nor by any reasonable combination thereof. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn. With respect to claims 2-5, these claims depend from claim 1, and are therefore patentable at least for the same reasons.

For reasons stated above with respect to claim 1, Applicants submit that the rejection of independent claims 6, 11 and 16 should be withdrawn. With respect to claims 7-10, 12-15, 17-20, and 21-24, these claims depend from claims 6, 11, and 16 respectively, and are therefore patentable at least for the same reasons.

II. Conclusion

In view of the above amendments and remarks, Applicants submits that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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By: 
Kimani P. Clark
Registration No.45,969

Customer Number: 26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
Phone: (202) 408-9214
Fax: (312) 876-7457